

REFERENCE TITLE: constitution restoration act of 2005

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SCM 1001

Introduced by

Senators Johnson, Gray; Representatives Burges, Gorman, Groe, Pierce,
Quelland; Senators Bee, Blendu, Burns, Flake, Gould, Harper, Huppenthal,
Jarrett, Martin, Verschoor; Representatives Anderson, Biggs, Boone,
Farnsworth, Murphy, Nichols, Pearce, Rosati, Tully, Yarbrough

A CONCURRENT MEMORIAL

**URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION PROTECTING THE DISPLAY
OF THE TEN COMMANDMENTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States:

2 Your memorialist respectfully represents:

3 Whereas, on June 27, 2005, the United States Supreme Court, in two
4 razor thin majorities of 5-4, concluded that it is consistent with the First
5 Amendment to display the Ten Commandments in an outdoor public square in
6 Texas, but not on the courthouse walls of two counties in Kentucky; and

7 Whereas, many Americans are deeply puzzled as to how the Court could
8 produce two opposite results involving the same Ten Commandments; and

9 Whereas, it is appropriate to observe that, based on the Kentucky
10 decision, it is acceptable to display the Ten Commandments in a county
11 courthouse, provided you do not believe in God; and

12 Whereas, Justice Scalia, in the Kentucky case, used these words to
13 emphasize the importance of the Ten Commandments to most Americans: "The
14 three most popular religions in the United States, Christianity, Judaism and
15 Islam—which combined account for 97.7% of all believers—are
16 monotheistic...[a]ll of them, moreover (Islam included), believe that the Ten
17 Commandments were given by God to Moses, and are divine prescriptions for a
18 virtuous life"; and

19 Whereas, very recent polling data by a major Washington, D.C. paper
20 revealed that a huge majority of the American people supports posting the Ten
21 Commandments; and

22 Whereas, S520 and HR1070 are bills that would allow the display of the
23 Ten Commandments in public places in America. The operative language
24 provides: "...[t]he Supreme Court shall not have jurisdiction to review, by
25 appeal, writ of certiorari, or otherwise, any matter to the extent that
26 relief is sought against an entity of Federal, State, or local government, or
27 against an officer or agent of Federal, State, or local government (whether
28 or not acting in official or personal capacity), concerning that entity's,
29 officer's, or agent's acknowledgment of God as the sovereign source of law,
30 liberty, or government"; and

31 Whereas, hearings were held on the same language in June 2004 in the
32 Constitution, Civil Rights and Property Rights Subcommittee of the Senate
33 Judiciary Committee. Hearings were also held on this language in September
34 2004 in the Courts Subcommittee of the House Judiciary Committee; and

35 Whereas, former Chief Justice Rehnquist, in the Texas case, used the
36 following words to describe the obvious duplicity of the United States
37 Supreme Court in telling local governments in America that they may not
38 display the Ten Commandments in local buildings in their communities while at
39 the same time allowing the Ten Commandments to be present on the building
40 housing the United States Supreme Court: "Since 1935, Moses has stood,
41 holding two tablets that reveal portions of the Ten Commandments written in
42 Hebrew, among other lawgivers in the south frieze. Representations of the
43 Ten Commandments adorn the metal gates lining the north and south sides of
44 the Courtroom as well as the doors leading into the Courtroom. Moses also

1 sits on the exterior east façade of the building holding the Ten Commandments
2 tablets."; and

3 Whereas, the Kentucky decision will be used by litigants who want to
4 remove God from the public square in America. Sooner or later, this effort
5 will take place in our states. Reports have indicated that efforts to remove
6 the Ten Commandments from public buildings or public parks are now underway
7 in at least twenty-five different places in America.

8 Wherefore your memorialist, the Senate of the State of Arizona, the House of
9 Representatives concurring, prays:

10 1. That the United States Congress adopt S520 and HR1070, and in so
11 doing, protect the ability of the people of this state and nation to display
12 the Ten Commandments in public buildings, to express their faith in public,
13 to retain God in the Pledge of Allegiance and in the national motto, and to
14 use article III, section 2.2, United States Constitution, to remove these
15 areas from the jurisdiction of the United States Supreme Court.

16 2. That the Secretary of State of the State of Arizona transmit copies
17 of this Memorial to the President of the United States Senate, the Speaker of
18 the United States House of Representatives and each Member of Congress from
19 the State of Arizona.